

U.S. Department of Justice



COURT EXHIBIT

/

United States Attorney
Western District of Pennsylvania

U.S. Post Office & Courthouse
700 Grant Street
Suite 4000
Pittsburgh, Pennsylvania 15219

412/644-3500

March 15, 2007

Wayne V. DeLuca, Esquire
Eddy, DeLuca, Gravina & Townsend
Manor Building Penthouse
564 Forbes Avenue
Pittsburgh, PA 15219

Re: United States of America v. David Dominic Boyce
Criminal No. 07-15

Dear Mr. DeLuca:

This letter sets forth the agreement by which your client, David Dominic Boyce, will enter a plea of guilty in the above-captioned case. The letter represents the full and complete agreement between David Dominic Boyce and the United States Attorney for the Western District of Pennsylvania. The agreement does not apply to or bind any other federal, state, or local prosecuting authority.

Upon entering a plea of guilty, David Dominic Boyce will be sentenced under the Sentencing Reform Act, 18 U.S.C. §3551, et seq. and 28 U.S.C. §991, et seq. The Sentencing Guidelines promulgated by the United States Sentencing Commission will be considered by the Court in imposing sentence. The facts relevant to sentencing shall be determined initially by the United States Probation Office and finally by the United States District Court by a preponderance of the evidence.

A. The defendant, David Dominic Boyce, agrees to the following:

1. He will enter a plea of guilty to Count Two of the Indictment at Criminal No. 07-15, charging him with violating Title 18, United States Code, Section

LIMITED OFFICIAL
USE

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2423(b) and (e) pursuant to Rule 11 of the Federal Rules of Criminal Procedure.

2. He acknowledges his responsibility for the conduct charged in Count One of the Indictment at Criminal No. 07-15 and stipulates that the conduct charged in that Count may be considered by the Probation Office or by the Court in imposing sentence.
3. He will pay mandatory restitution under the Victim-Witness Protection Act, 18 U.S.C. §§3663, 3663A and 3664, to the victims and/or other persons or parties authorized by law in such amounts, at such times, and according to such terms as the Court shall direct.
4. At the time David Dominic Boyce enters his plea of guilty, he will deposit a special assessment of \$100.00 in the form of cash, or check or money order payable to "Clerk, U.S. District Court". In the event that sentence is not ultimately imposed, the special assessment deposit will be returned.
5. As required by 18 U.S.C. §§3563(a)(8), 3583(d), and 4042(c)(4), David Dominic Boyce agrees to report the address where he will reside and any subsequent change of residence to the probation officer responsible for his supervision, and further agrees to register as a convicted sex offender under the law of any state in which he resides, is employed, carries on a vocation, or is a student.
6. David Dominic Boyce waives the right to take a direct appeal from his conviction or sentence under 28 U.S.C. §1291 or 18 U.S.C. §3742, subject to the following exceptions:
 - (a) If the United States appeals from the sentence, David Dominic Boyce may take a direct appeal from the sentence.
 - (b) If (1) the sentence exceeds the applicable statutory limits set forth in the United States Code, or (2) the sentence unreasonably exceeds the guideline range determined by the Court under the Sentencing Guidelines, David

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Dominic Boyce may take a direct appeal from the sentence.

David Dominic Boyce further waives the right to file a motion to vacate sentence, under 28 U.S.C. §2255, attacking his conviction or sentence, and the right to file any other collateral proceeding attacking his conviction or sentence.

B. In consideration of and entirely contingent upon the provisions of Parts A and C of this agreement, the United States Attorney for the Western District of Pennsylvania agrees to the following:

1. After the imposition of sentence, the United States Attorney will move to dismiss the remaining Count of the Indictment at Criminal No. 07-15, without prejudice to its reinstatement if, at any time, David Dominic Boyce is permitted to withdraw his plea of guilty. In that event, David Dominic Boyce waives any double jeopardy, statute of limitations, speedy trial, or similar objections to the reinstatement of the Counts dismissed pursuant to this agreement.
2. The United States Attorney retains the right of allocution at the time of sentencing to advise the sentencing Court of the full nature and extent of the involvement of David Dominic Boyce in the offenses charged in the Indictment and of any other matters relevant to the imposition of a fair and just sentence.
3. Prior to sentencing, the United States Attorney will, orally or in writing, move that, pursuant to §3E1.1 of the Sentencing Guidelines, the Court reduce the offense level by 3 levels for acceptance of responsibility, on the grounds that the offense level prior to application of §3E1.1 is 16 or greater, and David Dominic Boyce timely notified authorities of his intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the Court to allocate its resources efficiently.
4. The United States Attorney will take any position she deems appropriate in the course of any appeals

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from the sentence or in response to any post-sentence motions.

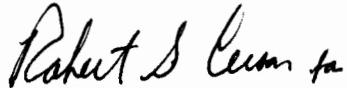
C. David Dominic Boyce and the United States Attorney further understand and agree to the following:

1. The penalty that may be imposed upon David Dominic Boyce is:
 - (a) A term of imprisonment of not more than 30 years;
 - (b) A fine of \$250,000.00;
 - (c) A term of supervised release of up to life, 18 U.S.C. 3583(k);
 - (d) A special assessment under 18 U.S.C. §3013 of \$100.00;
 - (e) Mandatory restitution under the Victim-Witness Protection Act, 18 U.S.C. §§3663, 3663A and 3664.
2. The Court shall determine the victims and/or other persons or parties who will receive restitution as authorized by law.
3. This agreement does not preclude the government from pursuing any civil or administrative remedies against David Dominic Boyce or his property.
4. The parties agree that, although charges are to be dismissed pursuant to this agreement, David Dominic Boyce is not a prevailing party for the purpose of seeking attorney fees or other litigation expenses under Pub. L. No. 105-119, §617 (Nov. 26, 1997) (known as the Hyde Amendment). David Dominic Boyce waives any right to recover attorney fees or other litigation expenses under the Hyde Amendment.

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This letter sets forth the full and complete terms and conditions of the agreement between David Dominic Boyce and the United States Attorney for the Western District of Pennsylvania, and there are no other agreements, promises, terms or conditions, express or implied.

Very truly yours,



MARY BETH BUCHANAN
United States Attorney

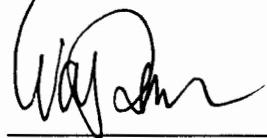
I have received this letter from my attorney, Wayne V. DeLuca, Esquire, have read it and discussed it with him, and I hereby accept it and acknowledge that it fully sets forth my agreement with the Office of the United States Attorney for the Western District of Pennsylvania. I affirm that there have been no additional promises or representations made to me by any agents or officials of the United States in connection with this matter.



DAVID DOMINIC BOYCE

April 11th 2007
Date

Witnessed by:



WAYNE V. DeLUCA, ESQUIRE
Counsel for David Dominic Boyce